

DIGITAL MUST CARRY

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)
)
Carriage of the Transmissions)
of Digital Television Broadcast Stations)
)
Amendments to Part 76)
of the Commission's Rules)

CS Docket No. 98-120

COMMENTS OF

Elizabeth Weber Levy
2022 Polk Street
Alexandria, LA 71301-6341
USA

Date: OCTOBER 7, 1998

I file these comments on OCTOBER 7, 1998, in the FCC's Notice of Proposed Rulemaking on the Carriage of the Transmissions of Digital Television Broadcast Stations adopted July 9, 1998, CS Docket No. 98-120.

(It is often best to start with a summary of your comments, then follow with the details, explanations and other material as needed. This can be more than one page. Be sure your name and the docket number you are referring to appear on each page.)

Submitted by:

Elizabeth Weber Levy
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Date: OCTOBER 7, 1998

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List A B C D E

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October 4, 1998

The Federal Communications Commission
The Office of the Secretary
1919 M Street
Room 222, NW
Washington, D.C. 20554
Re: CS Docket Number 98-120

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Dear Sir:

I have been asked by Bruce D. Collins, Esq., Corporate Vice President and General Counsel of the National Cable Satellite Corporation, which provides C-SPAN and C-SPAN 2, to give you my thoughts and comments regarding the proposed digital must-carry rules as apply to High Definition Television, the Cable Industry and the future of the C-SPAN Networks. In an effort to help you understand my interest in this subject, particularly the possible, collateral damage to C-SPAN, I will give you a brief overview of my personal history.

I was born forty-six years ago in Washington, D.C. while my father, a career Air Force officer and a command fighter pilot, was assigned to the Pentagon. After my father died, on active duty in 1964, my mother moved my sister and me to Alexandria, Louisiana, where she was born and raised. I have lived in Alexandria ever since, save for the four years I spent in New Orleans, Louisiana earning my Bachelor of Arts degree in European History which I received from Tulane University in 1974.

As the daughter of a career military officer during the height of the Cold War, I was, despite my youth, acutely aware of and keenly interested in my government's foreign and military policies. With my abrupt change from life on a military installation to civilian life in a small city in Louisiana, I learned quickly that the political landscape is wide and varietal, particularly as it related to my grandfather, an elected District Attorney for Rapides Parish, an elected member of the United States House of Representatives from 1932-1936, an unsuccessful candidate for governor of the State of Louisiana, in 1938, and an elected member of the Ninth Judicial District

Court, until his death in 1950.

Clearly, politics and public affairs have been more than of passing interest to me and my family nearly all of my life. I was taught from an early age that my citizenship in the United States of America is a prize to be nurtured, treasured and, if need be, defended with my life; that good citizenship is my duty and requires active participation, not just in the voting booth but in the public square, as well. As a young, unmarried adult, I took those lessons to heart as much as I thought conceivable, working in local political campaigns and exercising my cherished right to vote. Education and information, insufficient as access was, were essential components of that locally defined involvement.

In 1979, I married my husband, Robert Levy, a practicing attorney and a computer consultant, in Alexandria. I spent the next decade content with my limited political involvement, concentrating on civic and church related activities, while nurturing our two daughters who were born in 1983 and 1986. Although C-SPAN was already on our cable system, albeit for only several hours a day, I honestly did not pay much attention until the United States began to marshal its forces in Saudi Arabia during Operation Desert-Shield in 1990. England Air Force Base was still a presence in Alexandria, and many of the pilots who flew with the 23rd Tactical Fighter Wing, were dear friends. My interest in Desert-Shield, for myriad reasons, was intense. It was then that I began to watch C-SPAN in order to better understand what I was reading in our local newspaper, among other publications, and hearing and seeing on broadcast news.

As Desert-Shield became Operation Desert-Storm in January of 1991, I, like the rest of the world, was glued to my television set. C-SPAN was invaluable to me, giving insight to the briefings of the White House, the State Department, the Department of Defense, the Pentagon and the United Nations Security Council. Furthermore, it added an important dimension to traditional reporting and to the virtual rides I took on "smart" bombs as they whizzed down Iraq's chimneys and destroyed Saddam Hussein's tanks in the desert darkness. While most people were hooked on "Nintendo warfare," I became hooked on C-SPAN, and consequently was infinitely better informed as to background and process.

While Desert-Storm was being successfully prosecuted with spectacular speed, the seeds of collapse were being sown in the Soviet Union and in the Soviet Block. Again, C-SPAN was my source of unfiltered information,

as best as it could be obtained. The Cold War, an agonizingly long, complicated and often times frightening event which had shaped so much of my life, particularly my vote, was finally being won. I resented being led, as though I were incapable of independent thought, by the traditional, commercial media outlets and their armies of carefully selected pundits and so called "experts," with prescribed agenda. Once more, C-SPAN came to my rescue, recognizing then, as it does now, that most Americans are able to draw intelligent conclusions when presented with facts, solid information and a variety of points of view.

Concomitant with the aforementioned political rearrangement of a large part of the globe was a matter of extreme importance to my home town. England Air Force Base, a vital partner in my community and a source of enormous patriotic pride during Desert-Shield and Desert-Storm, was on the list for review and closure by the Base Realignment and Closure Commission. My time as a curious, educated bystander was over. C-SPAN afforded me the opportunity to view the BRAC Commission's deliberations in real time, allowing me, and others, to respond quickly and rationally to what we thought was a misguided and an unfairly politically motivated decision to close. Although our efforts were to no avail, I saw the value of C-SPAN in an entirely different light. C-SPAN was no longer merely a means by which I could conveniently educate myself. It became a lifeline to information which allowed me to actively and immediately participate in the political process where time is of the essence. Heretofor, policies had grown cold before I ever knew they existed or could move to effect them. C-SPAN gave me the information, the confidence and, above all, the time I needed to engage in public affairs.

Through C-SPAN, the nation, in 1993, once again became my back yard. I avidly, and often angrily, watched, on C-SPAN, the "sausage making" known as the 103rd Congress. I engaged in energetic, instantaneous, electronic campaigns to open closed rules, to amend legislation as it was debated, to exhort legislators to stand firm and to excoriate others for waffling. By alerting like minded friends and relations, I helped generate avalanches of facsimiles in congressional offices and helped engineer occasional "meltdowns" of the Capitol switchboard, with amazing results. In my opinion, C-SPAN was demonstrably instrumental in the 1994 revitalization of the two-party system in the United States, and was directly responsible for creating in me the mouse that roared.

In March of 1996, armed with confidence gained through the continuing political education afforded me by C-SPAN, I ran for parochial Republican Party office. I was elected to the Republican Parish Executive

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Committee, in Rapides Parish, as a member at-large. As a result, the following November I was recruited to run for a seat on the Republican State Central Committee from Louisiana House District 26. My bid was successful, and I was recently appointed, by the chairman of the Republican Party of Louisiana, to a regional, five-parish chairmanship, designated as PAC "D." Because of my extensive work in the Republican Party, my efforts on behalf of various Republican candidates and my willingness to debate issues, I have become "the Republican" the local newspaper and local television and radio stations often call for comment.

The Republican Party, locally and state wide, depends on me to be an informed and well-versed spokesperson. The Republican candidates for whom I volunteer rely on me to do the same, in addition to ensuring they are current on pertinent issues. I must give considerable credit to C-SPAN for the opportunities and responsibilities I now enjoy. However, should C-SPAN ever go by the wayside, my access to a wide range of thorough and pure public affairs information would be seriously curtailed.

Which brings me to this question: Why does the Federal Communications Commission wish to ask the United States Congress, through regulatory legislation, to require cable operators to carry federally licensed broadcast stations in both analog and digital mode which would very likely put my access to unfiltered public affairs information, via C-SPAN, in jeopardy? The argument has been made that such would not necessarily be the case, although the 1992 Cable Act is ample precedent for my concern.

Because C-SPAN is a public service offered by cable operators, and thus generates no revenue, it is particularly vulnerable to must-carry rules since many cable systems have no extra channel capacity. According to C-SPAN chairman, Brian P. Lamb, the 1992 Cable Act prompted cable operators to reduce or eliminate C-SPAN in ten million households. Fortunately, mine was not among them. However, many of those affected had the service restored only after arduous and lengthy activism by C-SPAN fans. Additionally, it was this kind of consumer activism which has allowed the number of C-SPAN Networks households to grow despite the 1992 Cable Act. My cable system *hopes* to add C-SPAN 2 in the next year or so, although digital must-carry regulation may prevent it.

My next question is this: If digital technology is so efficient and attractive, why not let the marketplace decide its fate along with that of C-SPAN? I see no need to force the issue, save profit; nor do I recall the United

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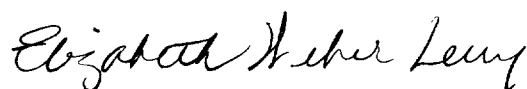
States government ever engaging in product advocacy. Tangentially, I find it passing strange that my government, which bemoans voter apathy, would see fit to risk Americans' access to public affairs information through damaging regulation and market control, while people in ninety foreign nations will have limited, yet continued, access to C-SPAN, via satellite. Of course, Americans could do the same, provided the C-SPAN Networks survive. But should it be government policy, at the behest of lobbyists, to compel the citizens and industries of the United States to use one technology over another simply because huge profits stand to be made? In the case of C-SPAN, this suggests that one role of government is to put a premium on information. Regarding the Telecommunications Industry as a whole, this suggests government control. That is unconscionable in a free society.

Furthermore, what right has our government, in the name of promised progress, to consider ignoring the First Amendment to the Constitution, as it applies to C-SPAN? Additionally, as previously implied, my capacity to exercise my First Amendment rights as an engaged American citizen and to accomplish what I have been elected to do, will be severely diminished if I am unable, or cannot afford, to access the proper information. Should the C-SPAN Networks succumb to consumer driven interests of the marketplace, so be it. Should burdensome government intervention and regulation cripple it, and perhaps destroy it, we are wandering into dangerous territory.

In conclusion, my recommendation to the Federal Communications Commission is to honor its statutory mandate to serve the public interest by not proposing a digital must-carry regulation at all. The price is too dear; and to do so would set an arbitrary standard for the Telecommunications Industry which could allow markets to be replaced with government control. If digital technology is all it is purported to be, forced obsolescence of existing technology through government interference will not be necessary.

Thank very much you for your kind indulgence.

Respectfully,

A handwritten signature in black ink, reading "Elizabeth Weber Levy". The script is cursive and fluid, with the first name "Elizabeth" being the most prominent part of the signature.

Elizabeth Weber Levy